



IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
DIANA ELIZABETH GAMBOA, ,
Defendant.

Case No. 15-342M
ORDER OF DETENTION

I.

The Court conducted a detention hearing:

On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving Choose an item.

On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is NOT entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure

1 the defendant's appearance as required and the safety or any person or the
2 community [18 U.S.C. § 3142(e)(2)].

3 II.

4 The Court finds that no condition or combination of conditions will
5 reasonably assure: the appearance of the defendant as required.
6 the safety of any person or the community.

7 III.

8 The Court has considered: (a) the nature and circumstances of the offense(s)
9 charged, including whether the offense is a crime of violence, a Federal crime of
10 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,
11 or destructive device; (b) the weight of evidence against the defendant; (c) the
12 history and characteristics of the defendant; and (d) the nature and seriousness of
13 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
14 considered all the evidence adduced at the hearing and the arguments, the
15 arguments of counsel, and the report and recommendation of the U.S. Pretrial
16 Services Agency.

17 IV.

18 The Court bases its conclusions on the following:

19 As to risk of non-appearance:

- 20 Lack of bail resources
- 21 Refusal to interview with Pretrial Services
- 22 No stable residence or employment
- 23 Previous failure to appear or violations of probation, parole, or
24 release
- 25 Ties to foreign countries – Defendant is a citizen of Mexico and
26 has family ties to Mexico
- 27 Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- 28 undocumented immigration status.

As to danger to the community:

Nature of previous criminal convictions, which include possession for sale of a controlled substance and a prior supervision violation arrest

- Allegations in present charging document
- Substance abuse
- Already in custody on state or federal offense
- currently facing state charges for possession for sale of a controlled substance

V.

- The Court finds a serious risk that the defendant will
 - obstruct or attempt to obstruct justice.
 - threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

The Court bases its conclusions on the following:

Defendant is an undocumented alien. Defendant was previously deported/removed to Mexico by immigration authorities in 2013 following her conviction, in 2011, for possession for sale of a controlled substance, possession for sale of a controlled substance while armed, and child cruelty, for which she was sentenced to 2-6 years imprisonment.

The Court is not convinced that the defendant will abide by its order to appear for future court appearances if released on bail given her criminal history and the fact that in addition to the prospective penalty that defendant faces, if convicted of the charged offense, she will likely be deported after serving the

1 sentence imposed, and the Court finds that, in conjunction with the other factors
2 noted above, this will provide an incentive to flee the jurisdiction.
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VI.

5 IT IS THEREFORE ORDERED that the defendant be detained until trial.
6 The defendant will be committed to the custody of the Attorney General for
7 confinement in a corrections facility separate, to the extent practicable, from
8 persons awaiting or serving sentences or being held in custody pending appeal.
9 The defendant will be afforded reasonable opportunity for private consultation
10 with counsel. On order of a Court of the United States or on request of any
11 attorney for the Government, the person in charge of the corrections facility in
12 which defendant is confined will deliver the defendant to a United States Marshal
13 for the purpose of an appearance in connection with a court proceeding.

14 [18 U.S.C. § 3142(i)]

15 Dated: March 5, 2015

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17 HON. ALKA SAGR
18 UNITED STATES MAGISTRATE JUDGE
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